

House Bill 793

By: Representatives Coan of the 101st, Neal of the 1st, Fleming of the 117th, Ralston of the 7th, Lunsford of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
2 Georgia Bureau of Investigation, so as to establish the Georgia Methamphetamine Offender
3 Registry for the registration of persons convicted of certain offenses relating to
4 methamphetamine; to provide a statement of purpose; to provide for definitions; to provide
5 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
10 Bureau of Investigation, is amended by adding a new article immediately following Article
11 2 to read as follows:

12 "ARTICLE 2A

13 35-3-50.

14 The purpose of this article is to reduce and prevent the operation of clandestine
15 methamphetamine laboratories and the contamination of private property by such
16 laboratories, especially in residential areas. The General Assembly recognizes that such
17 laboratories pose a significant threat to the citizens of this state due to the lethal
18 environmental hazard posed by the unregulated and illegal use of harmful chemicals
19 involved in the unlawful production of methamphetamine. This article is a remedial law
20 and shall be liberally construed to promote the public health, safety, and welfare.

21 35-3-51.

22 (a) As used in this article, the term:

23 (1) 'Appropriate official' means:

(A) With respect to an offender who is sentenced to probation without any sentence of incarceration in the state prison system or who is sentenced pursuant to Article 3 of Chapter 8 of Title 42, relating to first offenders, the Division of Probation of the Department of Corrections;

(B) With respect to an offender who is sentenced to a period of incarceration in a prison under the jurisdiction of the Department of Corrections and who is subsequently released from prison or placed on probation, the commissioner of corrections or his or her designee;

(C) With respect to an offender who is placed on parole, the chairman of the State Board of Pardons and Paroles or his or her designee; and

(D) With respect to an offender who is placed on probation through a private probation agency, the director of the private probation agency or his or her designee.

(2) 'Conviction' means a final judgment of conviction entered upon a verdict or finding of guilty of a crime, a plea of guilty, or a plea of nolo contendere. A defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of Title 42, relating to first offenders, shall be subject to the registration requirements of this article for the period of time prior to the defendant's discharge or upon the defendant being adjudicated guilty. A defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of Title 42, relating to first offenders, shall not be subject to the registration requirements of this article upon the defendant's discharge.

(3) 'Registry' means the Georgia Methamphetamine Offender Registry maintained and administered by the bureau.

35-3-52.

(a) There is created under the authority and direction of the bureau the Georgia Methamphetamine Offender Registry for the registration of persons convicted of Code Section 16-13-31 where the conviction relates to the delivery, manufacture, sale, or trafficking of methamphetamine.

(b) The registry shall be maintained by the bureau and made available for public inquiry and review on the Internet.

(c) The registry entry for each person shall include: the person's name, including any known aliases; the person's date of birth; any offense or offenses listed in subsection (a) of this Code section for which the person has been convicted; the date and county of each such conviction; the address listed on the person's current driver's license, if any; a photograph taken at the time of arrest or release from incarceration; and, any other

1 identifying data as determined by the bureau for the proper identification of the person but
2 shall not include the person's social security or driver's license numbers.

3 (d) Any person convicted of an offense listed in subsection (a) of this Code section on or
4 after July 1, 2006, and any person so convicted before July 1, 2006, who is released from
5 prison or placed on parole, supervised release, or probation on or after July 1, 2006, shall
6 be listed as an offender on the registry.

7 (e) For each offender required to register under this Code section, the appropriate official
8 shall forward to the bureau a copy of the judgment of conviction and information relevant
9 to the conviction which shall include the date of birth and any further information relevant
10 to the conviction as determined by the bureau. Where an offender has more than one
11 offense requiring registration, a copy of the conviction and other relevant information shall
12 be sent for each such offense. The judgment of conviction and other information related
13 thereto shall be provided to the bureau within 30 days of the date of conviction or, in the
14 event the offender is incarcerated, within 30 days from the release from incarceration.

15 (f) The bureau shall remove from the registry the name and other identifying information
16 of persons who are registered seven years following the entry of conviction or, in the event
17 the offender is incarcerated, seven years following the release from incarceration."

18 **SECTION 2.**

19 This Act shall become effective on July 1, 2006.

20 **SECTION 3.**

21 All laws and parts of laws in conflict with this Act are repealed.